

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

ASHLEY SANCHEZ,

No. 11-13996

Debtor(s).

Final Memorandum on Motion for Refund of Fees

On May 20, 2010, Chapter 7 debtor Ashley Sanchez signed a fee agreement with attorney Kathi L. West. The agreement was entitled "Flat Fee Agreement For Legal Services for Chapter 7 Bankruptcy Case." The agreement called for a fee of \$1,500.00, plus the \$299.00 court filing fee. Thereafter, things progressed slowly. Sanchez made payments to West over time, but never paid the full fee and got necessary information to West very slowly, so that West was in essence trying to hit a moving target. In April of 2011, West volunteered to reduce her fee to \$1,200.00. Sanchez eventually filed the bankruptcy with other counsel. She has now moved the court for a review of the fees paid to West and a return of fees Sanchez claims were unearned and excessive. West has voluntarily returned the \$299.00 filing fee, and argues that she is entitled to keep the remaining \$1,200.00 on account of work done before she was terminated.

The court has previously determined that it can review West's fees as a matter of law even though they were paid more than a year before. The sole remaining issue is the reasonable value of her services.

1 It is undisputed that West put in 6.6 hours of work on Sanchez' case, and that her normal
2 hourly rate is \$250.00. However, it is also undisputed that West agreed to do the bankruptcy for a flat
3 fee of \$1,500.00, and never had to appear at the 341 hearing or handle normal post-filing matters.
4 Awarding her a fee at her hourly rate would therefore be unfair to Sanchez.

5 The court finds that West did a little less than two-thirds of the work for which Sanchez had
6 agreed to pay \$1,500.00, and that \$900.00 is accordingly a fair fee for her services. West shall
7 therefore turn over a further \$300.00 to Sanchez.

8 Counsel for Sanchez shall submit an appropriate form of order.

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10 Dated: January 26, 2012

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Alan Jaroslovsky
U.S. Bankruptcy Judge